

E-Filed on 9/18/09

3993 Howard Hughes Parkway, Suite 600  
Las Vegas, NV 89169-5996  
Facsimile (702) 949-8321  
Telephone (702) 949-8320

Rob Charles NV State Bar No. 006593  
Email: rcharles@lrlaw.com  
John Hinderaker AZ State Bar No. 018024  
Email: jhinderaker@lrlaw.com  
Marvin Ruth NV State Bar No. 10979  
Email: mruth@lrlaw.com

Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT**  
**DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

USA CAPITAL REALTY ADVISORS,  
LLC,<sup>1</sup>

USA CAPITAL DIVERSIFIED TRUST  
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED  
FUND, LLC,<sup>2</sup>

USA SECURITIES, LLC,<sup>3</sup>  
Debtors.

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR<sup>1</sup>  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR<sup>2</sup>  
Case No. BK-S-06-10729-LBR<sup>3</sup>

CHAPTER 11

Jointly Administered Under Case No.  
BK-S-06-10725 LBR

**NOTICE OF HEARING REGARDING  
FIFTH OMNIBUS OBJECTION OF  
USACM LIQUIDATING TRUST TO  
DOUBLE COUNTED CLAIMS**

Date of Hearing: October 19, 2009  
Time of Hearing: 3:00 p.m.

**Affects:**

- ☐ All Debtors  
☒ USA Commercial Mortgage Company  
☐ USA Capital Realty Advisors, LLC  
☐ USA Capital Diversified Trust Deed Fund, LLC  
☐ USA Capital First Trust Deed Fund, LLC  
☐ USA Securities, LLC

The USACM Liquidating Trust believes that your claim is currently listed  
incorrectly in the Claims Registry. The amount listed is double the amount you included  
in your proof of claim as your actual intended total claim. **THUS, THE USACM**

<sup>1</sup> This bankruptcy case was closed on September 23, 2008.

<sup>2</sup> This bankruptcy case was closed on October 12, 2007.

<sup>3</sup> This bankruptcy case was closed on December 21, 2007.

1 LIQUIDATING TRUST IS PRESENTLY OBJECTING ONLY TO THAT  
2 PORTION OF YOUR CLAIM, AS LISTED IN THE ATTACHED EXHIBIT A,  
3 THAT WAS DOUBLE COUNTED OR THAT OTHERWISE EXCEEDS THE  
4 AMOUNT OF THE CLAIM YOU FILED.

5 PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY  
6 COURT TO DISCUSS THE MERITS OF YOUR CLAIM. QUESTIONS  
7 REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM  
8 SHOULD BE DIRECTED TO BRANT FYLLING OF SIERRA CONSULTING  
9 GROUP, LLC (602) 424-7009) OR THE UNDERSIGNED COUNSEL.

10 NOTICE IS HEREBY GIVEN that the USACM Liquidating Trust has filed its  
11 Fifth Omnibus Objection of the USACM Liquidating Trust to Double Counted Claims (the  
12 "Objection"). Your Proof of Claim number and other information regarding your claim,  
13 including the double counted amount that is subject to the objection, is provided in  
14 **Exhibit A**, attached. The USACM Liquidating Trust has requested that this Court enter an  
15 order, pursuant to Bankruptcy Code § 502 and Bankruptcy Rule 3007, disallowing the  
16 portion of your Proof of Claim to the extent it is double counted.

17 NOTICE IS FURTHER GIVEN that the hearing on the Objection will be held  
18 before the Honorable Linda B. Riegle, United States Bankruptcy Judge, in the Foley  
19 Federal Building, 300 Las Vegas Boulevard South, Courtroom 1, Las Vegas, Nevada, on  
20 October 19, 2009, at the hour of 3:00 p.m.

21 NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON OCTOBER  
22 19, 2009, WILL BE HELD FOR THE PURPOSE OF STATUS CHECKS AND  
23 SCHEDULING EVIDENTIARY HEARINGS ONLY. NO ARGUMENTS WILL BE  
24 HEARD ON THAT DATE.

25 NOTICE IS FURTHER GIVEN that any response to the Objection must be filed  
26 by October 9, 2009, pursuant to Local Rule 3007(b), which states:

1 If an objection to a claim is opposed, a written response must be filed and  
2 served on the objecting party at least 5 business days before the scheduled  
3 hearing. A response is deemed sufficient if it states that written  
4 documentation in support of the proof of claim has already been provided to  
5 the objecting party and that the documentation will be provided at any  
6 evidentiary hearing or trial on the matter.

7 If you object to the relief requested, you *must* file a **WRITTEN** response to this  
8 pleading with the Court. You *must* also serve your written response on the person who  
9 sent you this notice.

10 If you do not file a written response with the Court, or if you do not serve your  
11 written response on the person who sent you this notice, then:

- 12 • The Court may *refuse to allow you to speak* at the scheduled hearing; and
- 13 • The Court may *rule against you* and sustain the objection without formally  
14 calling the matter at the hearing.

15 Dated: September 18, 2009.

16 LEWIS AND ROCA LLP

17 By /s/ Marvin Ruth (#10979)

18 Rob Charles, NV 6593

19 John C. Hinderaker, AZ 18024 (*pro hac vice*)

20 Marvin Ruth, NV 10979

21 3993 Howard Hughes Parkway, Suite 600

22 Las Vegas, Nevada 89169

23 Telephone: (702) 949-8320

24 Facsimile: (702) 949-8398

25 E-mail: mruth@lrlaw.com

26 *Attorneys for the USACM Liquidating Trust*

27 Copy of the foregoing and pertinent  
28 portion of Exhibit A mailed by first  
29 class postage prepaid U.S. Mail on  
30 September 18, 2009 to:

31 Parties listed on Exhibit A attached.

32 LEWIS AND ROCA LLP

33 /s/ Leilani Lista

34 Leilani Lista